

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVE J. PARILLO and	:	Case No. 3:14-cv-369
THERESA K. PARILLO,	:	
	:	Judge Thomas M. Rose
Plaintiffs,	:	
	:	
v.	:	
	:	
WERNER CO., et al.,	:	
	:	
Defendants.	:	

**ORDER GRANTING JOINT MOTION TO DROP PARTIES (DOC. 63) AND
DENYING MOTION FOR SUMMARY JUDGMENT (DOC. 59) AS MOOT**

This case is before the Court on the Motion for Summary Judgment (Doc. 59) filed by Defendants Werner Company and New Werner Holding Company, Inc. (the “Werner Defendants”) and the Joint Motion to Drop Parties (Doc. 63) filed by Plaintiffs Dave and Theresa Parillo (“Plaintiffs”) and the Werner Defendants. On August 19, 2016, the Werner Defendants filed the Motion for Summary Judgment on all claims against them under Fed. R. Civ. P. 56. Plaintiffs requested and were granted three unopposed extensions of time to respond to the Motion for Summary Judgment, after which, on December 19, 2016, Plaintiffs and the Werner Defendants filed the Joint Motion to Drop Parties. Plaintiffs and the Werner Defendants move to drop, without prejudice, the Werner Defendants as parties under Fed. R. Civ. P. 21, which would leave only Lowe’s Home Centers, Inc. as a Defendant.

No one has filed any objection to the Motion to Drop Parties, and the time to do so has expired. Accordingly, the Court hereby **GRANTS** the Motion to Drop Parties (Doc. 63) and

DISMISSES, without prejudice, the Werner Defendants from this action. As the Werner Defendants are no longer parties, the Court **DENIES** their Motion for Summary Judgment (Doc. 59) as moot.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, January 19, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE